



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/450,890 11/29/99 MAKINSON

D SCH-52

022827
DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE SC 29602-1449

MM91/0824

EXAMINER

NGUYEN, V

ART UNIT

PAPER NUMBER

2858

DATE MAILED:

08/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/450,890

Applicant(s)

MAKINSON ET AL.

Examiner

VINH P NGUYEN

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. Claims 5-7,13-15,21,24,26,28-29,33-52,57-59,62,65-79 and are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, it is unclear what "a metrology board" represents. Is it shown in any of drawings? Is this board referred to a board (140)? In claims 5, 21, 29,57 it is unclear what "a Hall effect sensor" represents. Is it shown in any of drawings? In claims 6, 28,37,40,48,58,67,75 it is unclear what " a light source" represents Is it shown in any of drawings? In claims 7,26,34,38,47,59,65,74 it is unclear what "an antenna" represents. Is it shown in any of drawings? In claims 13, 24,33,49,62,76, it is unclear what "a main circuit" represents. Is it different from the metrology board ? If this main circuit is the same as the metrology board, therefore this limitation is improperly claimed. In claim 52, it is unclear what "additional output means" represents. Is it shown in any of drawings?

The dependent claims not specifically address share the same indefiniteness as they depend from rejected base claims.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of "a light source" as recited in claims 6, 28,37,40,48,58,67,75, "additional output means" as recited in claim 52, "a Hall effect sensor" as recited in claims 5, 21, 29,57 , "an antenna" as recited in claims 7,26,34,38,47,59,65,74 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. Claims are 34-52 and 65-79 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It appears that the specification does not provide sufficient support for "a Hall effect sensor" as recited in claims 5, 21, 29,57 and "antenna" as recited in claims 5, 21, 29,57. Furthermore, it is unclear how the Hall effect sensor and the antenna are associated and interrelated with other claimed elements. Furthermore, it appears that the specification does not provide sufficient information about the operations of the apparatus of the instant application such as how the Hall effect sensor is used and how the output of this sensor is related to the metrology board, the antenna and the light source.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4,8-12,16-20, 22-23,25, 27,30-32,34-36,38-39,41,53-56 and 60-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Benbow (Pat # 4,491,789 cited by Applicants).

As to claims 1-4,8-12 ,16-20, 22-23,25, 27,30-32,34-36,38-39,41,53-56,60,Benbow disclose an electrical energy meter having an encloseable casing (34), electrical connection spades (24,26) extending through a base plate (35), a metrology board (14,18,16,20,12) and electrically connected to the spades (24,26), a circuit board (48,54) electrically connected to the metrology board (14,16,18,20,12) for providing selected customized features for the meter beyond the metrology board electricity consumption signals, an electronic meter display (32) and a mechanical meter display (22). It appears that the use of resilient connectors for connection the board to the spades are well known in the art. Furthermore, it also appears that the device of Benbow inherently has mating posts and holes associated with the base plate (35) for mutual physical connection and the base plate would also have taper posts and the board defines holes therein to mate with the tapered post such that the board is supported on the base plate (35). It also appears that the device of Benbow inherently has common power supply for providing power to both the metrology board and the circuit board and it has chassis for supporting the base plate.


6. Applicant's arguments filed on 06/14/2001 have been fully considered but they are not persuasive.

It appears that Applicants' remarks are more in details than the claim language. Applicants do not clearly incorporate the significant features in the apparatus. Applicants have

Art Unit: 2858

not shown how the measured signals are obtained and how the antenna uses that measured signals for transmitting to a remote locations. It appears that the limitations of the instant claims meet by prior art of record.

7.. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P. NGUYEN whose telephone number is (703) 305-4914. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.


VINH P. NGUYEN
PRIMARY EXAMINER
ART UNIT 2858

08/23/2001